

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

HENRY BOYNES,

CIVIL DIVISION

Plaintiff,

No: 2:15-cv-00139

vs.

Magistrate Judge Cynthia Reed Eddy

COUNTY OF LAWRENCE,
SUSEN ROSSINO, M.D.; FRANCES
KLOSS, R.N., ROXANNE DEMONACO, R.N.
and PRIMECARE MEDICAL, INC.,

Electronically Filed

JURY TRIAL DEMANDED

Defendants.

JOINT MOTION TO AMEND CASE MANAGEMENT ORDER

AND NOW come the parties, through their respective counsel, and file the following Motion to Amend the Case Management Order stating as follows:

1. This is a case in which Plaintiff, who was a prisoner at the Lawrence County Jail, has asserted claims relating to the medical care he received at that facility.
2. The parties have completed the Early Neutral Evaluation.
3. Plaintiff was recently released from custody and is currently in Philadelphia, Pennsylvania.
4. The Defendants intend to file Summary Judgment Motions on two legal issues that will not require any further discovery other than the deposition of the Plaintiff. In particular, the Defendants intend to file a Motion for Summary Judgment on the issues of whether the Statute of Limitations have expired and whether the Plaintiff has exhausted his administrative remedies. Obviously, Plaintiff plans on opposing those Motions.
5. If Summary Judgment is successful on either of those issues, it will be case dispositive.

6. Accordingly, at the Early Neutral Evaluation (and as reported by Mr. Simon) the parties discussed how best to proceed in order to conserve resources and conduct discovery in the most efficient way possible.

7. Accordingly, the parties request that the Case Management Order be amended to allow Defendants to take the deposition of Plaintiff within thirty (30) days and then file a Motion for Summary Judgment thirty (30) days later on the two issues outlined above.

8. If the Motions for Summary Judgment are granted, it appears that it would be the end of the case.

9. If the Motions for Summary Judgment are denied, Plaintiff would then have an additional ninety (90) days to complete any additional discovery.

10. Furthermore, the Defendants will respond to any of Plaintiff's discovery that remains outstanding at this time.

11. The parties also request that the post-discovery status conference be moved until after the second phase of discovery is completed.

12. At that status conference, it is understood that the parties and the Court will discuss the deadlines for expert reports, expert discovery, any additional dispositive Motions and other matters.

WHEREFORE, the parties respectfully request that the Court amend the Case Management Order to allow for phased discovery.

Respectfully submitted,

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